

# KOERNER & OLENDER, P.C.

Attorneys at Law  
5809 Nicholson Lane, Suite 124  
North Bethesda, Maryland 20852-5706

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Tel. (301) 468-3336  
Fax (301) 468-3343

Robert L. Olender \*  
James A. Koerner

December 6, 1999

Of Counsel  
Robert Bennett Lubic\*

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\*not admitted in MD

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
The Portals, TW-A325  
445 Twelfth Street, S.W.  
Washington, DC 20554

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DEC - 6 1999  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

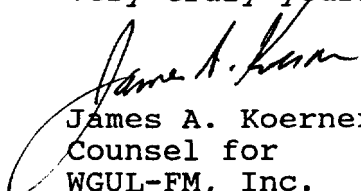
Re: MM Docket No. 99-306

Dear Ms. Salas:

On behalf of WGUL-FM, Inc., there are transmitted herewith an original and four (4) copies of its Comments in the above-referenced proceeding looking toward the allotment of FM Channel 257A at Inglis, Florida.

Should additional information be necessary in connection with this matter, please communicate with this office.

Very truly yours,

  
James A. Koerner,  
Counsel for  
WGUL-FM, Inc.

cc: Mr. Carl J. Marcocci

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Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of

Amendment of Section 73.202(b)  
Table of Allotments  
FM Broadcast Stations  
(Inglis, Florida)

)  
)  
)  
)  
)

MM Docket No. 99-306  
RM-9729

TO: Chief, Allocations Branch  
Mass Media Bureau

**COMMENTS OF WGUL-FM, INC.**

WGUL-FM, Inc., by its attorneys, hereby submits its Comments in response to the Notice of Proposed Rule Making ("Notice") released October 15, 1999.

WGUL-FM, Inc., is the licensee of a number of stations in Florida, including Station WXOF, licensed to Yankeetown, Florida, the transmitter site of which is near Inglis. While "standing" in the sense of Section 309 of the Communications Act is not required for one to comment in a rule making proceeding, the foregoing is stated to demonstrate that WGUL-FM, Inc., is an "interested" party.

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These Comments will undoubtedly be viewed as a “voice crying in the wilderness,” and, indeed, they may be. Nevertheless, as its right, WGUL-FM does comment.

Inglis, an incorporated community, has a 1990 census population of 1241 persons. That population cannot begin to support one radio station, let alone a second station. Given the plethora of stations already in the Levy County and Citrus County areas, the chances of another station succeeding -- while serving the public interest, convenience and necessity -- are nil. The most the licensee (or permittee) of such a station could hope for would be to sell to one of the oligopolist radio groups who seem intent only upon maximizing the number of stations they control.

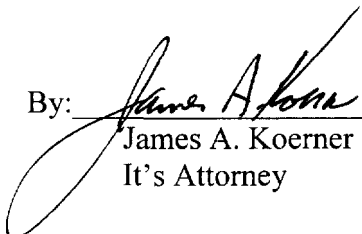
For years, the Commission declared that it would not permit the “AM-ization” of the FM band, and it was for this reason that channels were allotted to specific communities. Now, the term “community” has come to mean any crossroads, and FM channels are allotted wherever they fit, given spacing considerations. This is the ultimate “AM-ization” of the FM band.

In making allotments, the Commission should give some consideration of whether a station on the allotted channel at the allotted community even has a chance of providing service in the public interest, convenience and necessity. If not, perhaps the channel should be preserved for some other station to use it as an upgrade, or even as some low power FM station to serve a neighborhood in the future.

Since there is little, if any, likelihood that a station on Channel 257A at Inglis, a second channel in that "community," could fulfill its statutory responsibilities, WGUL-FM, Inc., respectfully suggests that the allotment not be made.

Respectfully submitted,

**WGUL-FM, INC.**

By:   
James A. Koerner  
It's Attorney

December 6, 1999

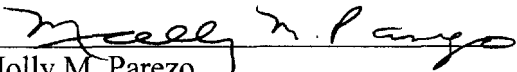
**KOERNER & OLENDER, P.C.**  
3 Bethesda Metro Center  
Suite 640  
Bethesda, MD 20814  
(301) 986-0500

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## **CERTIFICATE OF SERVICE**

I, Molly M. Parezo, a secretary in the law offices of Koerner & Olender, P.C., do hereby certify that a copy of the foregoing "**Comments of WGUL-FM, Inc.**" was served this 6<sup>th</sup> day of December, 1999, via first class mail, postage prepaid upon the following:

Cary S. Tepper, Esq.  
Booth, Freret, Imlay & Tepper, P.C.  
5101 Wisconsin Avenue, N.W.  
Suite 307  
Washington, D.C. 20016-4120

  
Molly M. Parezo